

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: William Moss	Team: Squad #6	CCRB Case #: 201907220	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 08/14/2019 12:59 AM	Location of Incident: 42nd Precinct stationhouse	Precinct: 42	18 Mo. SOL 2/14/2021	EO SOL 10/1/2021	
Date/Time CV Reported Wed, 08/14/2019 1:39 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Wed, 08/14/2019 1:39 AM		
<b>Complainant/Victim</b>	<b>Type</b>	<b>Home Address</b>			
<b>Witness(es)</b>	<b>Home Address</b>				
<b>Subject Officer(s)</b>	<b>Shield</b>	<b>TaxID</b>	<b>Command</b>		
1. SGT Brian Fragliossi	4161	925308	042 PCT		
<b>Witness Officer(s)</b>	<b>Shield No</b>	<b>Tax No</b>	<b>Cmd Name</b>		
1. POM Nicholas Tirado	07090	966368	042 PCT		
2. POM Eugene Bifulco	15636	927928	042 PCT		
<b>Officer(s)</b>	<b>Allegation</b>			<b>Investigator Recommendation</b>	
A.SGT Brian Fragliossi	Abuse: Sergeant Brian Fragliossi did not process § 87(2)(b) complaint regarding officers.				

### **Case Summary**

§ 87(2)(b) filed this complaint on the CCRB's website on August 14, 2019.

At approximately 1:00 a.m. on August 14, 2019, § 87(2)(b) went to the 42<sup>nd</sup> Precinct stationhouse to file a report about the repossession of his vehicle. Sgt. Brian Fragliossi allegedly refused to process § 87(2)(b) complaint regarding officers. (**Allegation A: Abuse of Authority** – § 87(2)(g)) Officers did not arrest § 87(2)(b) or issue him any summonses.

The investigation obtained video footage of the incident from a stationhouse camera (**BR 1**).

### **Findings and Recommendations**

#### **Allegation A – Abuse of Authority: Sergeant Brian Fragliossi did not process § 87(2)(b) complaint regarding officers.**

The following facts are undisputed: On the evening of August 13, 2019, a private tow company seized § 87(2)(b) vehicle from a parking lot in the Bronx. § 87(2)(b) went to the 42<sup>nd</sup> Precinct stationhouse to dispute the repossession and report the officers who were present. After roughly twenty minutes at the stationhouse, he left and walked around the corner to retrieve paperwork from his vehicle. He returned to the stationhouse with more paperwork about an hour later.

Stationhouse footage confirmed that § 87(2)(b) returned at approximately 1:00 a.m. on August 14, 2019. The footage showed § 87(2)(b) speak to someone for roughly one minute, but it did not capture the identity of the officer, as he or she was positioned off-screen. The footage did show that PO Nicholas Tirado, PO Eugene Bifulco, and § 87(2)(b) friend, § 87(2)(b) were in the immediate vicinity of the conversation. The footage had no audio and accordingly did not capture the content of the conversation.

§ 87(2)(b) alleged that when he returned to the stationhouse, he spoke with a sergeant whom he had not previously seen or interacted with. Based on § 87(2)(b) description of the sergeant, the Tour 1 Roll Call, and PO Bifulco's testimony, the investigation identified Sgt. Fragliossi as the sergeant (**BR2**).

§ 87(2)(b) alleged that he asked Sgt. Fragliossi for a CCRB complaint form and that Sgt. Fragliossi told him several times he would not give him anything because his issue was a "4:00 to 12:00 problem." § 87(2)(b) interpreted this to mean that he would have to come back to the stationhouse during a Tour 3 shift to generate his complaint. § 87(2)(b) promptly left the stationhouse.

§ 87(2)(b) testified that when he and § 87(2)(b) returned to the stationhouse, § 87(2)(b) asked Sgt. Fragliossi to generate a complaint against the officers. Sgt. Fragliossi told them to go home.

Sgt. Fragliossi confirmed that he was the Tour 1 desk sergeant on the night of the incident, but he had no recollection of § 87(2)(b) or the incident. He testified that if he had prepared a CCRB complaint form, he would have documented that in the Command Log. The Command Log reflects no such entries (**BR 3**). Sgt. Fragliossi acknowledged that he appeared in the stationhouse footage minutes after § 87(2)(b) left, but nothing about the footage refreshed his memory of the incident.

PO Tirado, who stood in the lobby during the interaction, similarly remembered nothing about the incident.

He did not recall § 87(2)(b) or any conversation about a car repossession issue, and the stationhouse footage did not refresh his memory.

The telephone-switchboard operator, PO Bifulco, testified that he overheard § 87(2)(b) speak with Sgt. Fragliossi about a vehicle repossession. § 87(2)(b) asked to file a report regarding the repossession and Sgt. Fragliossi told § 87(2)(b) that he did not have the proper documentation to do so. § 87(2)(b) never asked for a CCRB complaint form and requested only a report about the repossession as opposed to the officers.

The stationhouse footage did not show any other witnesses to the incident, and none of the officers or civilians could name or describe any other possible witnesses.

§ 87(2)(g)

#### **Civilian and Officer CCRB Histories**

- § 87(2)(b) has filed three other complaints with the CCRB, all of which have involved his vehicle (BR 4). § 87(2)(b)
- Sgt. Fragliossi has been a subject officer in five other cases with a total of thirteen allegations. No other case has involved Sgt. Fragliossi's alleged refusal to process a civilian's complaint.

#### **Mediation, Civil and Criminal Histories**

- § 87(2)(b) declined to mediate this complaint.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- § 87(2)(b) has not filed any Notices of Claim with the New York City Office of the Comptroller regarding this incident (BR 6).

Squad No.: \_\_\_\_\_

Investigator: \_\_\_\_\_  
Signature Print Title & Name Date

Squad Leader: \_\_\_\_\_  
Signature Print Title & Name Date

Reviewer: \_\_\_\_\_  
Signature Print Title & Name Date